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U.S. PTO
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THE UNITED STATES PATENT AND TRADEMARK OFFICE

Docket No.: 0267.1633

07/05/01
JC22
U.S. PTO
07/899347

Anticipated Classification:

Class:

Subclass:

Prior Application: **VARIABLE SPEED MECHANISM AND METHOD FOR
CONTROLLING THE SPEED OF AN ASSOCIATED LAWN MOWING APPARATUS**

Examiner: T. Hannon

Group Art Unit: 3682

Commissioner of Patents
and Trademarks
Washington, DC 20231

RULE 1.53(b) TRANSMITTAL LETTER

Dear Sir:

This is a request for filing a [X] continuation [] divisional application under 37 CFR § 1.60, of pending prior application Serial No. 09/578,521, filed on May 24, 2000 of Michael Kamm for VARIABLE SPEED MECHANISM AND METHOD FOR CONTROLLING THE SPEED OF AN ASSOCIATED LAWN MOWING APPARATUS.

1. [X] Enclosed is a complete copy of the prior application, including the oath or declaration as originally filed and an affidavit or declaration verifying it as a true copy. **Also enclosed is a supplemental declaration as filed March 30, 2001.**

2. [] A verified statement to establish small entity status under 37 CFR 1.9 and 1.27 [] is enclosed [] was filed in the prior application and such status is still proper and desired (37 CFR 1.28(a)).

3. Fee Calculation (37 CFR 1.16)**A. X Regular application**

CLAIMS AS FILED			
Number filed	Number Extra	Rate	Basic Fee
			\$710.00
<hr/>			
Total			
Claims 37 CFR 1.16(c) 6-20=	X	X \$18.00	\$ 0.00
<hr/>			
Independent			
Claims (37 CFR 1.16(b)) 3-3=	X	X \$80.00	\$ 0.00
<hr/>			
Multiple dependent claim(s), if any			
(37 CFR 1.16(d))		\$270.00	\$ 0.00
<hr/>			

X Amendment canceling extra claims enclosed.

 Amendment deleting multiple-dependencies enclosed.

 Fee for extra claims is not being paid at this time.

NOTE: If the fees for extra claims are not paid on filing they must be paid or the claims canceled by amendment, prior to the expiration of the time period set for response by the Patent and Trademark Office in any notice of fee deficiency. 37 CFR 1.16(d).

B. Design application

(\$320.00--37 CFR 1.16(f))

Filing Fee Calculation\$ _____

C. Plant application

(\$490.00--37 CFR 1.16(g))

Filing Fee Calculation\$ _____

4. [X] The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment to Account No. 05-0875. A duplicate copy of this sheet is enclosed.

5. [X] A check in the amount of \$ 710.00 is enclosed.

6. [X] Cancel in this application original claims 1-11 and 17-20 of the prior application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes).

7. [X] Amend the specification by inserting before the first line of the sentence: - this is a [X] continuation, [] division, of application Serial No. 09/578,521, filed May 24, 2000.

8. [] Transfer the drawings from the prior application to this application and abandon said prior application as of the filing date accorded this application. A duplicate copy of this sheet is enclosed for filing in the prior application file. (May only be used if signed by person authorized by §1.138 and before payment of base issue fee.)

9. [] New formal drawings are enclosed.

10. [] Priority of application serial no. _____, filed on _____ in (country) _____ is claimed under 35 USC 119.

11. [] The prior application is assigned of record to _____.

NOTE: If the fees for extra claims are not paid on filing they must be paid or the claims canceled by amendment, prior to the expiration of the time period set for response by the Patent and Trademark Office in any notice of fee deficiency. 37 CFR 1.16(d).

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5. [X] A check in the amount of \$ 710.00 is enclosed.

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7. [X] Amend the specification by inserting before the first line of the sentence: - this is a [X] continuation, [] division, of application Serial No. 09/578,521, filed May 24, 2000.

8. [] Transfer the drawings from the prior application to this application and abandon said prior application as of the filing date accorded this application. A duplicate copy of this sheet is enclosed for filing in the prior application file. (May only be used if signed by person authorized by §1.138 and before payment of base issue fee.)

9. [] New formal drawings are enclosed.

10. [] Priority of application serial no. _____, filed on _____ in (country) _____ is claimed under 35 USC 119.

11. [] The prior application is assigned of record to _____.

12. [X] The power of attorney in the prior application is to Roger D. Emerson, Esq., One Cascade Plaza – Fourteenth Floor, Akron, Ohio 44308 and Registration No. 33,169 and associates: Daniel A. Thomson (43, 189); Marcella R. Louke (41,163); John M, Skeriotis (43,129); Timothy D. Bennett (42,312) and Kimberly a. Raines (P45,696).

- a. [] The power appears in the original papers in the prior application.
- b. [X] Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.

c. [X] Address all future communications to EMERSON & SKERIOTIS, 4421 Ranchwood Spur, Akron, OH 44333 (May only be completed by applicant, attorney or agent of record.)

13. [X] A preliminary amendment is enclosed. (Claims added by this amendment have been properly numbered consecutively beginning with the number next following the highest numbered original claim in the prior application.)

14. [X] I hereby verify that the attached papers are a true copy of prior application serial no. 09/578,521 as originally filed on May 24, 2000.

**15. Papers Enclosed Which Are Required For Filing Date Under 37 CFR 1.53(b)
(Regular) or 37 CFR 1.153 (Design) Application**

 7 Pages of specification

 7 Pages of claims

 1 Pages of Abstract

 6 Sheets of drawing

 X formal

 informal

WARNING: DO NOT submit original drawings. A high quality copy of the drawings should be

supplied when filing a patent application. The drawings that are submitted to the Office must be on strong, white, smooth, and non-shiny paper and meet the standards according to § 1.84. If corrections to the drawings are necessary, they should be made to the original drawing and a high-quality copy of the corrected original drawing then submitted to the Office. **Only one copy is required or desired.** Comments on proposed new 37 CFR 1.84, Notice of March 9, 1988 (1990 O.G. 57-62).

NOTE: "Identifying indicia such as the serial number, group and unit, title of the invention, attorney's docket number, inventor's name, number of sheets, etc., not to exceed 2 3/4 inches (7.0 cm.) in width may be placed in a centered location between the side edges within three fourths inch (19.1 mm.) of the top edge. Either this marking technique on the front of the drawing or the placement, although not preferred, of this information and the title of the invention on the back of the drawings is acceptable." Proposed 37 CFR 1.84(1). Notice of March 9, 1988 (1090 O.G. 57-62).

16. Additional papers enclosed

- Preliminary Amendment
- Information Disclosure Statement
- Form PTO-1449
- Citations
- Declaration of Biological Deposit
- Submission of "Sequence Listing", computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.
- Authorization of Attorney(s) to Accept and Follow instructions from Representative
- Special Comments
- Other

17. Language

NOTE: An application including a signed oath or declaration may be filed in a language other than English. A verified English translation of the non-English language application and the processing fee of \$30.00 required by 37 CFR 1.17(k) is required to be filed with the application or within such time as may be set by the Office. 37 CFR 1.52(d).

NOTE: A non-English oath or declaration in the form provided or approved by the PTO need not be translated. 37 CFR 1.69(b).

- English

non-English

the attached translation is a verified translation. 37 CFR 1.52(d).

18. Assignment

An assignment of the invention to _____

is attached.

will follow.

NOTE: "If an assignment is submitted with a new application, send two separate letters-one for the application and one for the assignment." Notice of May 4, 1990 (1114 O.G. 77-78).

19. Certified Copy

Certified copy(ies) of application(s)

(country)	(appln. no.)	(filed)
_____	_____	_____
(country)	(appln. no.)	(filed)
_____	_____	_____
(country)	(appln. no.)	(filed)
_____	_____	_____

from which priority is claimed

is (are) attached. A separate "ASSIGNMENT COVER LETTER

ACCOMPANYING NEW PATENT APPLICATION" is also attached.

will follow.

NOTE: The foreign application forming the basis for the claim for priority must be referred to in the oath or declaration. 37 CFR 1.55(a) and 1.63.

NOTE: This item is for any foreign priority for which the application being filed directly relates. If any parent U.S. application or International Application from which this application claims benefit under 35 U.S.C. 120 is itself entitled to priority from a prior foreign application then complete item 18 on the ADDED PAGES FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF PRIOR U.S. APPLICATION(S) CLAIMED.

20. Authorization to Charge Additional Fees

WARNING: If no fees are to be paid on filing the following items should not be completed.

WARNING: Accurately count claims, especially multiple dependent claims, to avoid unexpected high charges, if

extra claim charges are authorized.

The Commissioner is hereby authorized to charge the following additional fees by this paper and during the entire pendency of this application to Account No. 05-0875.

37 CFR 1.16(a), (f) or (g) (filing fees)

37 CFR 1.16(b), (c) and (d) (presentation of extra claims)

NOTE: Because additional fees for excess or multiple dependent claims not paid on filing or on later presentation must only be paid or these claims canceled by amendment prior to the expiration of the time period set for response by the PTO in any notice of fee deficiency (37 CFR 1.16(d)), it might be best not to authorize the PTO to charge additional claim fees, except possibly when dealing with amendments after final action.

37 CFR 1.16(e) (surcharge for filing the basic filing fee and/or declaration on a date later than the filing date of the application)

37 CFR 1.17 (application processing fees)

WARNING: While 37 CFR 1.17(a), (b), (c), and (d) deal with extensions of time under § 1.136(a) this authorization should be made only with the knowledge that: "Submission of the appropriate extension fee under 37 C.F.R. 1.136(a) is to no avail unless a request or petition for extension is filed." (Emphasis added). Notice of November 5, 1985 (1060 O.G. 27).

37 CFR 1.18 (issue fee at or before mailing of Notice of Allowance, pursuant to 37 CFR 1.311(b))

NOTE: Where an authorization to charge the issue fee to a deposit account has been filed before the mailing of a Notice of Allowance, the issue fee will be automatically charged to the deposit account at the time of mailing the notice of allowance. 37 CFR 1.311(b).

NOTE: 37 CFR 1.28(b) requires "Notification of any change in loss of entitlement to small entity status must be filed in the application... prior to paying, or at the time of paying...issue fee." From the wording of 37 CFR 1.28(b): (a) notification of change of status must be made even if the fee is paid as "other than a small entity" and (b) no notification is required if the change is to another small entity.

21. Instructions As To Overpayment

credit Account No. _____

refund

The undersigned declares further that all statements made herein of his or her own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title

18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Reg. No. 41,163

Marcella R. Louke
Marcella R. Louke

Tel. No. (330) 535-9999

EMERSON & SKERIOTIS
One Cascade Plaza - Fourteenth Floor
Akron, OH 44308-1381

Incorporation by reference of added pages

Check the following item if the application in this transmittal claims the benefit of prior U.S. application(s) (including an international application entering the U.S. stage as a continuation, divisional or C-I-P application) and complete and attach the ADDED PAGES FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF PRIOR U.S. APPLICATION(S) CLAIMED

Plus Added Pages For New Application Transmittal Where Benefit Of Prior U.S. Application(s) Claimed

Number of pages added _____

Plus Added Pages For Papers Referred To In item 4 above

Number of pages added _____

Plus "Assignment Cover Letter Accompanying New Application"

Number of pages added _____

Statement Where No Further Pages Added

(If no further pages form a part of this Transmittal then end this Transmittal with this page and check the following item)

This transmittal ends with this page.